

THE MARTHA'S VINEYARD COMMISSION

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Minutes of the Special Meeting of May 8, 2003

Held in the Olde Stone Building,
33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

Commissioners: James A. Athearn, Chairman (Elected – Edgartown), John Best (Elected – Tisbury), Christina Brown (Elected – Edgartown), Linda DeWitt (Appointed – Edgartown), Jane A. Greene (Appointed – Chilmark), Tristan Israel (Appointed – Tisbury), Deborah Moore (Elected – Aquinnah), Katherine Newman (Appointed – Aquinnah), Linda Sibley (Elected – West Tisbury), Doug Sederholm (Elected – Chilmark); Robert E. Schwartz - Appointed - West Tisbury), Paul Strauss (Appointed- County); Richard Toole (Elected – Oak Bluffs); Andrew Woodruff (Elected -West Tisbury)

Staff: Mark London (Executive Director), Christine Flynn (Regional Planner), Bill Wilcox (Water Resources Planner), Bill Veno (Regional Planner), David Wessling (Transportation Planner).

There being a quorum present, James A. Athearn, Chairman, opened the Commission Meeting at 7:45 p.m.

1. MINUTES OF PREVIOUS MEETINGS

It was moved by Jane A. Greene and duly seconded that the minutes of April 3, 2003 be adopted as amended.

- Page 8 line 14 should read "shut off the lights when there are no performances. Jane Greene asked whether the lights could be on motion detectors."

Oral vote. In favor: 10. Opposed: 0. Abstentions: 1. The minutes were approved as amended.

It was moved by Tristan Israel and duly seconded that the minutes of May 1, 2003 be adopted as amended.

- Page 4, line 21 should read "1000-foot setback".

- The spelling of the name of the applicant for Tisbury Wharf is Ralph Packer.
- Page 8 line 35 Peter Zorzi said it would be better from an architectural and solar orientation point of view.
- Page 9, line 18, Peter Zorzi said that native pine is not readily available.
- Page 9 line 23 should read "Tristan Israel asked whether it would be feasible..."
- Page 10, line 3 the spelling should be Marie Laursen.
- Page 10 line 30 should read "Linda Sibley said that Commission counsel has clearly said".

Oral vote. In favor: 11. Opposed: 0. Abstentions: 0. The minutes were approved as amended.

Christina Brown moved and it was duly seconded that the meeting recess to go into LUPC to discuss Island Elderly Housing.

Voice vote. In favor: 10. Opposed: 0. Abstentions: 0.

The Meeting was recessed at 8:15 p.m. and resumed at 9:48 p.m.

1. ISLAND ELDERLY HOUSING (DRI No. 564) – CONTINUED PUBLIC HEARING

Commissioners present: J. Athearn, J. Best, C. Brown, L. DeWitt, T. Israel, K. Newman, D. Sederholm, R. Schwartz, P. Strauss, R. Toole. (Jane A. Greene and Andrew Woodruff were present but not eligible to vote).

Christina Brown reported the recommendations of LUPC.

Christina Brown moved and it was duly seconded that the project be approved as proposed, with the following conditions:

- *the site plan be alternative A, with the building at an angle, and moved 10' closer to the interior road (as sketched by Bob Schwartz) with flexibility on the possible relocation of the parking at the applicant's discretion;*
 - *the common areas and units be air-conditioned since the location at the foot of the hill will not allow good cross ventilation;*
 - *that the entrances to all exterior public doors be push-button operated;*
 - *that there be more windows on the corridor at the rear, the number and location to be approved by staff;*
 - *Bio-Clear waste treatment system shall be utilized for the new facility;*
 - *the applicant is not required to construct the dormer at the rear of the building;*
 - *the applicant shall provide the amount of landscaping shown on the plan submitted to the Commission May 1, 2003; the planting locations shall be altered to create a denser vegetative screen atop the graded slope rather than on the slope itself;*
 - *for safety reasons, a fence shall be provided at the top of the graded slope, provided funds are available;*
 - *Handicapped units shall include button-activated entryways and infrared sensor faucets.*
- Tristan Israel said he could not support this project for reasons of density and planning.
 - John Best said he would vote against it for reasons of density and groundwater. He is concerned about the concentration of elderly housing in this location rather than dispersing affordable housing in other locations.

- Christina Brown said that the benefits outweigh the detriments. Island Elderly has tried to find other parcels of land. The project will further many of the objectives of Chapter 831 particularly supplying needed affordable housing. It would not have a more detrimental impact than a conventional development on the site such as a 3-bedroom house.
- Linda DeWitt said the project's initial planning was poor. The Commission had done most of the planning improvements. The impact on the neighborhood is huge for only five units of housing.
- Doug Sederholm said that we should place a lot of importance on providing affordable housing for the elderly and poor. These are the people most in need. The project has a negative impact on the neighbors but the MVC has done a good job of improving this project. He would have voted against the original proposal.
- Richard Toole noted that the two representatives from Tisbury oppose the proposal. He is not sure how to vote.
- Tristan Israel said that it is unclear that there are not alternative sites available. He puts a lot of weight on what the neighbors say. If this project is approved, he noted that the Town has had issues with respect to payment of taxes and he hopes that the dialogue with the assessors continues since the Town provides a lot of services to Hillside without remuneration.
- Paul Strauss said that the earlier forms of the project were unacceptable. A lot has been done to mitigate these problems but they haven't disappeared. He is not sure how to vote.

Roll call vote. In favor: J. Athearn, C. Brown, K. Newman, D. Sederholm, R. Schwartz. Opposed: J. Best, L. DeWitt, T. Israel, P. Strauss, R. Toole. Abstentions: none. The motion failed.

Christina Brown suggested that we not go through a discussion about the meaning of the vote tonight, but rather that we continue the discussion at the next meeting and attempt to achieve a clear consensus.

Tristan Israel moved that we postpone a final decision until the next meeting. Voice vote. In favor: 10. Opposed: 0. Abstentions: 0. The motion carried.

The Meeting was recessed at 10:10 p.m. and resumed at 10:25 p.m.

Jim Athearn and Robert Schwartz left the Meeting.

2. AT&T CELL TOWER (DRI No. 561) – DELIBERATIONS AND DECISION

Commissioners present: J. Best, C. Brown, L. DeWitt, T. Israel, K. Newman, D. Sederholm, P. Strauss, R. Toole, A. Woodruff.

Present for the applicant: John Keene, Anderson & Kreiger.

Christina Brown moved and it was duly seconded that the Commission suspend the rules and proceed directly with deliberations and a vote without discussing it in LUPC. Voice vote: In favor: 10. Opposed: 0. Abstentions: 0. The motion carried.

Christina Browne passed the gavel to Richard Toole to chair the remainder of the Meeting.

Tristan Israel said that moving the tower back on the property does not seem to be a big issue.

Doug Sederholm discussed various aspects of the proposal.

- He is concerned that the proposal is not consistent with the West Tisbury zoning bylaw and suggested that the Commission condition it so that it meets or more closely approximates the zoning requirements.
- The Commission should decide what is the most reasonable solution from our point of view and then leave it to West Tisbury to decide whether or not to grant the variance.
- The applicant said they "could move it 60 feet along the access road and lose 5 feet of elevation, which would be acceptable to the applicant." Looking at the contour map and based on the site visits, it is very gently sloping downwards for up to 175 feet to the south west of the tower location proposed by the applicant.
- He proposed that we condition approval so that it is much farther from the two residential property lines, namely the Mead and Thompson properties. The Flanders Trust lot is undeveloped land so it not a residential property line. The Commission should allow five or ten feet of additional height to the tower to compensate for the lower elevation of the land; it would not significantly increase the visibility.
- What we do could be a precedent for other towers that might be located on the site. He believes that totally denying it would not be in violation of Federal Telecommunications Act since there are potential alternative locations such as the possibility of locating it on the DEM fire tower, in the State Forest, or on other sites.
- This is primarily a West Tisbury issue so if it is to be denied, it is preferable that the Town deal with any problem that might arise.

Doug Sederholm moved and it was duly seconded that the proposal be approved provided that the setback be at least 300 feet from the Mead and Thompson property lines and that the tower be no higher than 70 feet.

John Best said that the other abutting lots are residential even though there are no residences on them and these lots should not be overly burdened. If this were to be approved, he suggests that the height be greater so that there could eventually be fewer towers. The visual impact is negligible.

Paul Strauss asked whether there are any locations that would not be visible from the Meade property. Doug Sederholm said he doubted that there would be an acceptable site that would be totally out of sight.

Tristan Israel noted that the community had adopted this bylaw so it is an expression of the will of the community. Doug's proposal would make it as close to this objective as possible.

Andrew Woodruff asked why cell towers are on the DRI checklist. He is concerned about safety, that other companies could ask to use this site, and the lack of an overall approach. He is also concerned about the lack of cellular coverage in places like Chilmark.

Christina Brown said the West Tisbury bylaw is strong and deals with many of the issues: RF testing, screening for noise and light. She agreed with Doug that the regional issues are minimal in that it can't be seen from the public way. There are local issues but the town can deal with them.

Katherine Newman agreed about the fact that this is primarily local but asked whether there shouldn't be a regional plan although it may not be fair to penalize this applicant in waiting for it to be developed.

Christina Brown said it is hard to get a regional plan because the carriers are in competition with each other with respect to who will lease or sell them sites, and about getting town approval. As a result of the planning initiative undertaken by the Commission a few years ago, four towns have adopted good bylaws.

Tristan Israel agreed that the cell tower committee had led to a good exchange of information between the towns. It identified some areas where there could be cell towers such as in the State Forest. The rest was put on hold.

Doug Sederholm said the idea of a regional plan to identify the best location for cell towers would require a level of expertise that the Commission doesn't have. The carriers have sophisticated computer models to work out RF coverage. They would be reluctant to share this information for competition reasons. If the Commission were to undertake this study, it would need a consultant and a budget.

Linda DeWitt said Portland and the Outer Cape have done plans for cellular towers. She sees strong advantages for wireless and would like to participate in looking at the issue in the future.

Roll call vote. In favor: 7. Opposed: 2. Abstentions: 0. The motion to approve the proposal as conditioned carried.

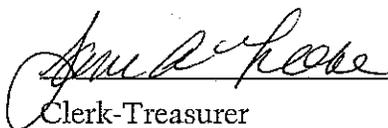
The meeting adjourned at 11:00 p.m.



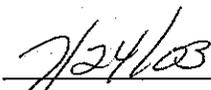
Chairman



Date



Clerk-Treasurer



Date